

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROGER R. CRANE, JR,

Plaintiff,

- vs -

POETIC PRODUCTS LIMITED,

Defendant.

POETIC PRODUCTS LIMITED,

Counterclaimant,

- vs -

ROGER R. CRANE, JR,

Counterclaim Defendant.

Case No. 07 Civ. 7063 (BSJ) (FM)

RULE 56.1 STATEMENT

Plaintiff-Counterclaim Defendant Roger R. Crane Jr. ("Crane"), pursuant to Local Rule 56.1, submits this statement of undisputed material facts as to which there is no genuine issue to be tried:

1. Plaintiff Crane is the author of the play *The Last Confession*. (Compl. ¶ 1; Crane Decl. ¶ 1; Answer ¶ 1.).
2. Crane holds the copyright to *The Last Confession*. (Compl. Exs. A & B.)
3. Defendant Poetic Products Limited ("Poetic Products") owns the copyright to the book *In God's Name, An Investigation Into The Murder Of Pope John Paul I* ("In God's Name"). (Compl. ¶ 2; Answer ¶ 2.)

4. Poetic Products registered *In God's Name* with the United States Copyright Office. (Answer at Exhibit A.)
5. *In God's Name* was written by David Yallop. (Answer Ex. A.)
6. Crane received a letter dated June 22, 2007 from Hextalls, an English law firm representing Poetic Products alleging that *The Last Confession* infringed *In God's Name*. (Crane Decl. Ex. A.)
7. Several more letters went back and forth between Crane and Poetic Products or their counsel. (See, e.g., Crane Decl. Exs. B, C; Compl. ¶ 3; Answer ¶ 3.)
8. Crane filed the instant action on August 8, 2007. (See generally Compl.).
9. The quotations in Exhibit 3 to the Duvdevani Declaration are accurate quotations from the cited works.

Dated: New York, New York
November 13, 2007

NIXON PEABODY LLP

By: /s/ Frank H. Penski
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